

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, claims 1, 4, and 6 have been canceled. Claim 23 has been added. Claims 2, 3, 5, 7, 15, 17 and 21 have been amended to provide their proper dependency. Claims 5 and 22 have also been amended to correct a formal error therein objected to by the Examiner. Claim 20 has been withdrawn from consideration. Upon review of claim 20, it was noted that it does not read on the elected species of Fig. 1a-2.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and Action to that end is respectfully requested.

I. Objection to the Claims and Rejection of Claims Under 35 U.S.C. § 112

The Examiner objected to claims 5 and 22 for formal errors therein and rejected claim 20 under 35 U.S.C. § 112, second paragraph, for being indefinite.

As noted above, claims 5 and 22 have been amended to correct a formal error therein. In view of the withdrawal of claim 20 from consideration, the rejection of claim 20 became moot.

II. Rejection of Claims Over the Prior Art

The Examiner rejected claims 1-9, 13 and 15-18 under 35 U.S.C. § 102 (b,e) as being anticipated by Hoffmann, U.S. Patent Publication US-2002/0048499 (Hoffmann '499). Claim 1-8, 13-18, and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hoffmann, U.S. Patent Publication US-2002/0998057 (Hoffmann '057). It is respectfully submitted that claims 2, 3, 5, 7-9, 13-18, and 21-23 are patentable over the cited references.

Specifically, claim 23 recites:

- (i) an actuation member connected with the receiving sleeve and rotatable from a first position thereof to a second position thereof for substantially radially displacing the engagement means (that engages the rod member) from a first position in which the rod member is received in the receiving sleeve, to a second position in which the rod member is locked in the receiving sleeve;

- (ii) a rear engagement member displaceable through the mounting opening of the constructional component for engaging the constructional component from behind; and
- (iii) a receiving sleeve having, at an end thereof facing in a setting direction of the attachment system, at least one holding element for engaging from behind the rear engagement member.

The foregoing novel features of the present invention are not disclosed or suggested in the prior art, including Hoffmann '499 and Hoffmann '057.

Hoffman '499 refers to a connection element for threaded bolts.

According to the embodiment shown in Fig. 5, the spring does not engage in an outer thread provided on the bolt in the rest position. The two cone sleeves are rotatable connected with each other by a threaded connection. When the cone sleeves are screwed relative to each other so that they move relative to each other, the spring is pressed into the outer thread of the bolt in the regions of respective conical bores. In this way, a formlocking or at least forcelocking, releasable connection is formed between the bolt and the receiving member.

Hoffmann '499 does not disclose a receiving sleeve for receiving the rod member and having at least one holding element for engaging from behind the rear engagement member that engages a constructional component from behind.

In Hoffmann '499, the receiving sleeve (9, 11) in which the locking spring (3) with opposite ends (6,7) (the engagement means) is received, does not have a holding element that might engage the engagement member (30) from behind.

Hoffman '057 refers to a detachable quick mounting nut for mounting threaded bolts which hang down in installation rails. The detachable quick mounting nut has a springing wire clip within a nut housing with a coaxial through-opening and an inner cone which narrows radially within this continuous coaxial opening. The wire clip is movable axially to a limited extend and has two legs extending parallel to each other and spring relative to one another. By inserting a threaded bolt through the through-opening the legs will be spread and afterwards partially engages in the thread of the threaded bolt in a slightly radially friction-locking manner within the radial plane, so that the wire clip is displaceable partially axially in the inner cone by screwing movements. The nut housing comprises two shells which are movable relative

to one another along the wire clip. One of these shells is a cover shell forming a wedge which is directed radially inward and which, in a first position, can be guided between the free ends of the legs of the wire clip so as to spread the latter against their pretensioning, so tat the quick mounting nut can be positioned axially without a screwing movement. In the second position, the wire clip which is axially offset due to the directed rotation of the quick mounting nut and makes contact within the coaxial inner cone causes a positive engagement with the thread, so that the quick mounting nut can be secured and also loosened by screwing movements. The quick mounting nut is constructed so as to be switchable between the first position and second position, so that the connection can be canceled again.

Hoffmann '057 does not disclose a rotatable actuation member connected with the receiving sleeve for displacing radially the engagement means. Nor does Hoffmann '057 disclose a holding member, which is provided at the end of the sleeve facing in the setting direction of the attachment system, for engaging from behind the engagement member.

Both Hoffmann '499 and Hoffmann '057 disclose a completely different structure.

A rejection based on U.S.C. § 102 as in the present case, requires that the cited reference disclose each and every element covered by the Claim. Electro Medical Systems S.A. v. Cooper Life Sciences, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994); Lewmar Marine Inc. v. Barient Inc., 3 U.S.P.Q. 2d 1766, 1767-68 (Fed. Cir. 1987); Verdegaal Bros., Inc. v. Union Oil Co., 2 U.S.P. Q. 2d 1051, 1053 (Fed. Cir. 1987). The federal Circuit has mandated that 35 U.S.C. § 102 requires no less than “complete anticipation [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); See also, Electro Medical Systems, 32 U.S.P.Q. 2d at 1019; Verdegaal Bros., 2 U.S.P.Q. 2d at 1053.

Neither Hoffmann '499 nor Hoffmann '057 discloses an attachment system as claimed in claim 23. Therefore, neither Hoffman '499 nor Hoffmann '057 anticipates the present invention as defined by said independent claim.

In view of the above, it is respectfully submitted that neither Hoffmann '499 nor Hoffmann '057 anticipates or makes obvious the present invention as defined in Claim 23, and the present invention is patentable over both Hoffmann '499 and Hoffmann '057.

The secondary references likewise do not make the present invention obvious.

Plank et al. (US 5,655,865 A) refers to a rail nut having a base member, an intermediate member and a spring element for improved handling which is deflectable both in the axial and radial directions. An axially elastic region of the spring element provides an axial prestress between the base member and the intermediate member whereby a spontaneous detachment is prevented.

Plank et al (US '865) fails to disclose a receiving sleeve having at least one holding element at an end of the receiving sleeve facing in a setting direction of the attachment system and engaging from behind the rear engagement member.

From “Collet and chuck assemblies” or “nut locks”, according to Lorenz (US 1,344,544) or Smith (US 879,168), it is also unknown to arrange on a receiving sleeve at least one holding element at an end of the receiving sleeve facing in a setting direction of the attachment system for engaging from behind the rear engagement member.

Claims 2, 3, 5, 7-9, 13-18, 21 and 22 depend on claim 23 and are allowable for the same reason claim 23 is allowable and further because of specific features recited therein which when taken alone and/or in combination with features of claim 1, are not disclosed or suggested in the prior art.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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This correspondence is being deposited with the United States Postal Service on November 23, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER 842 053 655 US addressed to the Honorable Commissioner for Patents, Alexandria, VA 22313-1450.

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